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EXAMINER	
CHATTERJEE, SANTANU	

ART UNIT	PAPER NUMBER
3661	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/784,491	BAUMGARTE, JOSEPH W.	
	Examiner	Art Unit	
	Santanu Chatterjee	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The application filed on 02/23/2004 has been examined, and Claims 1 - 31 are pending.

Information Disclosure Statement

2. The applicant has not filed an information disclosure statement on PTO Form 1449 with this application. Therefore, references cited by the examiner on form PTO-892, are the only references that have been considered.

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

4. The specification is objected to because of minor informalities, and appropriate corrections are suggested, as follows:

- Paragraph 2, Line 3: "... breaking ...", should be amended to "... braking ...".
- Paragraph 7, Line 2: "... accessible be ...", should be amended to "... accessible by ...".
- Paragraph 12, Lines 1 - 3: The phrase "... the following detailed description ...", appears twice in the sentence, this should be amended to one occurrence.
- Paragraph 27, Line 2: "... instances were ...", should be amended to "... instances where ...".

- Paragraph 27, Line 7: "... Visual Basis ...", should be amended to "... Visual Basic ...".
- Paragraph 31, Line 2: "... one or more files 24 ...", should be amended to "... one or more files 26 ...".
- Paragraph 33, Line 4: "... vehicle software files 24 ...", should be amended to "... vehicle software files 26 ...".
- Paragraph 36, Line 2: "... vehicle software file 24 ...", should be amended to "... vehicle software file 26 ...".
- Paragraph 37, Line 4: "... the form in which means by which ...", should be amended to "... the form in which ...".
- Paragraph 43, Line 4: "... device 36 is can be ...", should be amended to "... device 36 can be ...".
- Paragraph 45, Line 3: "... instances by ...", should be amended to "... instances be ...".
- Paragraph 45, Line 4: "... describe above ...", should be amended to "... described above ...".
- Paragraph 48, Line 6: "... same software file 24 ...", should be amended to "... same software file 26 ...".
- Paragraph 52, Line 5: "... high specialized ...", should be amended to "... highly specialized ...".
- Paragraph 54, Line 6: "... hand gliders ...", should be amended to "... hang gliders ...".

- Paragraph 58, Line 7: "... vehicle software file 24 ...", should be amended to "... vehicle software file 26 ...".
- Paragraph 58, Line 10: "... and those thus embodiments ...", should be amended to "... and those embodiments ...".
- Paragraph 59, Line 4: "... transmission subsystem 50 ...", should be amended to "... transmission subsystem 54 ...".
- Paragraph 65, Line 1: "... load subsystem 50 ...", should be amended to "... load subsystem 52 ...".
- Paragraph 69, Line 6: "... transmission subsystem 70 ...", should be amended to "... transmission subsystem 54 ...".

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112 that forms the basis for the Office actions under this section:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6.1. ***In regard to Claim 3.*** Part of the claim states: " ... and wherein said source device provides for ...", is incomplete and indefinite because the object of what the source device should provide for, is not defined or particularly pointed out. The specification does not give any further clarification regarding this claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1, 2, 4-14, 16-20 and 23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahrens et al. (US Pub. No. 2002/0010542; hereinafter Ahrens), in view of Baird et al. (US Pat. No. 6,564,128; hereinafter Baird).

8.1. ***In regard to Claims 1 and 2.*** The claimed system for distributing software to a storage medium located on a vehicle, is disclosed by Ahrens as: " ... in accordance with the purposes of the present invention, there is provided an improved method and system that provides for distributing data for storage media ... used in in-vehicle navigation systems ... " [Paragraph 0011, lines 2 - 8].

Further, the claimed inventive concept of a transmission device and transmission of vehicle software files to a recipient device or a load device which is a general purpose computer used for loading the software files onto a vehicle storage medium, is disclosed by Ahrens as: " ... there is provided a system for updating, upgrading, replacing or repairing the navigation data, such as the navigation data set [70] and/or the navigation application program [66], stored on the storage device [76] in the in-vehicle navigation system [60] ... " [Paragraph 0035, lines 1 - 5], and that: " ... each local repository

(applicant's transmission device or transmission center) is equipped with the hardware and software to enable it to update geographical data sets and navigation application programs on the storage devices [76] ... " [Paragraph 0035, lines 8 - 11]. The software recipient and loading device is disclosed by Baird as: " ... Data input controller [200] is a computer, which in the preferred embodiment contains a microprocessor and a memory coupled thereto (not shown). Controller [200] comprises a general purpose portable computer (PC), such as an Intel Pentium-based IBM compatible computer, although any hardware platform suitably programmed will work just as well ... " [Column 8, lines 12 - 17].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosure of Ahrens with the teachings of Baird to develop a system for distributing software to a storage medium located on a vehicle, by transmitting software files to a recipient device and a loading device that could be a general purpose computer to load the software to the storage medium of the vehicle.

8.2. ***In regard to Claims 4, 5, 6, 11, 12 and 20.*** The claimed inventive concept of transmitting encrypted vehicle software files, and encryption of the software files with a vehicle attribute that is a unique identifier such as a vehicle identification number, is disclosed by Ahrens as: " ... an encryption scheme may be used to hide the identification data [110] on the PCMCIA storage device [76]. ... " [Paragraph 0039, lines 9 - 11], and further that: " ... may include security features, such as password access, locks on the case, and file encryption, so that unauthorized persons cannot access the software ... " [Paragraph 0045, lines 6 - 9]. Ahrens further discloses that: " ... identification data [110]

may include the navigation system code, name of the geographical data set file, version of the geographical data set file, version of navigation system application program, subscription type, initial subscription start and end dates, warranty start and end dates, and cartridge ID serial number ... " [Paragraph 0061, lines 9 - 14]. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Ahrens to encrypt the vehicle software files with a unique vehicle attribute such as the vehicle identification number before transmission.

8.3. ***In regard to Claims 7 and 13.*** The claimed operation of the load device by a non-technical user (in Claim 7), and the vehicle software file being an upgrade to a navigation application (in Claim 13), is disclosed by Ahrens as: " ... In order for a vehicle owner to use the system of local repositories to update his geographical data set or navigation program, it is assumed that the vehicle owner already has an in-vehicle navigation system installed in his vehicle ... " [Paragraph 0057, lines 1 - 4]. Ahrens clearly discloses a navigation application being upgraded by the vehicle owner. The vehicle owner can be any user such as a non-technical user. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Ahrens to load the vehicle software file by a non-technical user (in Claim 7), in order to upgrade a navigation application (in Claim 13).

8.4. ***In regard to Claims 8 and 9.*** The claimed vehicle software file being made accessible in a tangible medium (in Claim 8), and the tangible medium being mailed to the recipient device (in Claim 9), is disclosed by Ahrens as: " ... the updated data set files

and applications are stored on a CD-ROM which is inserted into the CD-ROM drive of the local repository. Alternatively, master copies of the updated data set files may be stored on PC Cards brought by the administrator-technician that can be inserted into the drive [92], ... " [Paragraph 0054, lines 5 - 10]. Ahrens clearly discloses a tangible medium such as a CD-ROM or a PC Card to contain the vehicle software files, that can be taken to the drive of the loading computer. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Ahrens to put the vehicle software files on a tangible medium that could be mailed and be accessible to the recipient device for loading by the load device.

8.5. ***In regard to Claims 10 and 16***. The claimed loading of the vehicle software file onto the vehicle storage medium through a wireless network (in Claim 10), and loading of the vehicle software file onto the vehicle storage medium through a serial USB connection (in Claim 16), is disclosed in part by Ahrens as: " ... there is provided a system for updating, upgrading, replacing or repairing the navigation data, such as the navigation data set [70] and/or the navigation application program [66], stored on the storage device [76] in the in-vehicle navigation system [60] ... " [Paragraph 0035, lines 1 - 5]. Ahrens does not specifically disclose loading through a wireless network or serial connection, but in an analogous art, Baird discloses this as: " ... such information can be transmitted via a hard wired cable and a serial connection, via infrared transmission and a serial connection, via radio frequency transmission and a serial connection, or any other known means. ... " [Column 8, lines 23 - 27]. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosure of Ahrens with the

teachings of Baird to load the vehicle software files onto the vehicle storage medium either through a wireless network or a serial USB connection.

8.6. ***In regard to Claims 14 and 24***. The claimed creating and distributing of the vehicle software files on a medium such as a CD-ROM (in Claim 14a) or on a DVD (in Claim 14b), is disclosed by Ahrens as: " ... the updated data set files and applications are stored on a CD-ROM which is inserted into the CD-ROM drive of the local repository. Alternatively, master copies of the updated data set files may be stored on PC Cards brought by the administrator-technician that can be inserted into the drive [92], ... " [Paragraph 0054, lines 5 - 10]. Ahrens clearly discloses a medium such as a CD-ROM or a PC Card to contain the vehicle software files for distributing to the loading computer.

As to the claimed distribution of the vehicle software files using e-mail attachments (in Claim 14c and Claim 24), or a Web site (Claim 14d), Ahrens discloses this as: " ... navigation application programs may be transmitted directly to owners of vehicles with in-vehicle navigation systems via on-line distribution. Referring to FIGS. 14A-14C, vehicle owners may receive updates for their geographical data sets via their own personal computers ... " [Paragraph 0108, lines 2 - 7], and further that: " ... Using the personal updating program, the vehicle owner dials up the central distribution facility or a service provider from his personal computer (FIG. 14, Step 611) ... " [Paragraph 0109, lines 1 - 3]. Ahrens further discloses that: " ... the on-line distribution of updated information may be provided through an on-line network, such as America Online or Compuserve, or via the Internet ... " [Paragraph 0115, lines 1 - 4]. In an analogous art, Baird discloses the inventive concept as: " ... networked controller [220] comprises a

Web server having ActiveX server technologies. Similarly, data input controller [200] comprises a Web browser having ActiveX controls. ... The system can be implemented via an Internet connection or any suitable local area network connection ... " [Column 9, lines 10 - 16].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosure of Ahrens with the teachings of Baird to distribute the vehicle software files to the load device using CD-ROM's or DVD's by mail, or as e-mail attachments, or as downloads from Web sites. Also, it is common public knowledge and widely practiced to distribute software files through the mail using CD-ROM's, DVD's, or as e-mail attachments and downloads from Web sites.

8.7. ***In regard to Claim 17.*** The claimed distribution of software files to computers in a plurality of vehicles and associated storage mediums using a plurality of general purpose computers, and making the vehicle software files accessible to a plurality of loading devices associated with the plurality of vehicles is disclosed by Ahrens as: " ... method for providing updated geographical data sets for in-vehicle navigation systems may be used by operators of fleets of vehicles that have in-vehicle navigation systems ... " [see Paragraph 0074]. Ahrens further discloses that: " ... the local repository program for a fleet would automatically update the geographical data set file on a storage device upon insertion, provided the storage device was registered to a fleet vehicle ... " [Paragraph 0075, lines 7 - 10].

Further, the claimed inventive concept of encrypting the vehicle software files so that each vehicle software file will only function in a subset of vehicles, is disclosed by

Ahrens as: " ... an encryption scheme may be used to hide the identification data [110] on the PCMCIA storage device [76]. ... " [Paragraph 0039, lines 9 - 11], and further that: " ... may include security features, such as password access, locks on the case, and file encryption, so that unauthorized persons cannot access the software ... " [Paragraph 0045, lines 6 - 9]. Ahrens further discloses that: " ... the local repository can check the customer subscription records before updating the vehicle owner's storage device to make sure that the vehicle owner is entitled to obtain updated software ... " [Paragraph 0070, lines 1 - 4].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Ahrens to distribute software files to a plurality of vehicles using a plurality of computers, and encrypting the vehicle software files to function in a subset of vehicles.

8.8. ***In regard to Claim 18***. Further to the reasoning as set forth in the rejection of Claim 17 above, the claimed plurality of vehicle software files to include a user-assistance file that is not loaded onto any of the vehicle storage mediums, is disclosed by Ahrens as: " ... The local repository program for fleet operations may include several related programs, files, and/or tools ... " [see Paragraph 0082]. Ahrens further discloses that: " ... the local repository includes the administrative program [130]. The administrative program [130] includes several features that can be used to maintain the local repository ... ", and that: " ... One of the functions performed by the administrative program is the installation of updated geographical data sets and navigation application programs onto the local repository ... ", [see Paragraphs 0100 and 101]. It would have been obvious to

one of ordinary skill in the art at the time of the invention to modify the disclosure of Ahrens to include a user-assistance file that is not loaded onto any of the vehicle storage mediums.

8.9. ***In regard to Claim 19.*** The claimed vehicle hard drives being accessible to general purpose computers without removing the vehicle storage mediums from the vehicles, is disclosed by Ahrens as: " ... the in-vehicle navigation system [60] may include appropriate connection capability, such as a data port, so that the storage device [76] can be accessed by the local repository [82] via cabling without removing it from the vehicle ... " [Paragraph 0035, lines 24 - 28]. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Ahrens to make the vehicle hard drive accessible to a computer without removing the storage medium from the vehicle.

8.10. ***In regard to Claim 23.*** The claimed vehicle hard drive configured to be removable and accessible from a general purpose computer, is disclosed by Ahrens as: " ... To provide for updating, upgrading, replacing, or repairing the geographical data set [70], the storage device [76] is preferably removable from the vehicle [22], as illustrated in FIG. 4. ... " [Paragraph 0035, lines 21 - 24]. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Ahrens and configure the vehicle hard drive to be removable and be accessible to a general purpose computer.

8.11. ***In regard to Claim 25.*** The claimed method of distributing upgraded vehicle software files to vehicle storage mediums through the use of general purpose computers

under the control of vehicle users is disclosed by Ahrens as: " ... in accordance with the purposes of the present invention, there is provided an improved method and system that provides for distributing data for storage media ... used in in-vehicle navigation systems ... " [Paragraph 0011, lines 2 - 8], and that: " ... there is provided a system for updating, upgrading, replacing or repairing the navigation data, such as the navigation data set [70] and/or the navigation application program [66], stored on the storage device [76] in the in-vehicle navigation system [60] ... " [Paragraph 0035, lines 1 - 5].

Further, the claimed encrypting of the vehicle software file using a vehicle identification number as a unique key is disclosed by Ahrens as: " ... an encryption scheme may be used to hide the identification data [110] on the PCMCIA storage device [76]. ... " [Paragraph 0039, lines 9 - 11], and further that: " ... may include security features, such as password access, locks on the case, and file encryption, so that unauthorized persons cannot access the software ... " [Paragraph 0045, lines 6 - 9]. Ahrens further discloses that: " ... identification data [110] may include the navigation system code, name of the geographical data set file, version of the geographical data set file, version of navigation system application program, subscription type, initial subscription start and end dates, warranty start and end dates, and cartridge ID serial number ... " [Paragraph 0061, lines 9 - 14].

Further, the claimed transmitting of the vehicle software file to a plurality of different recipients, wherein each recipient receives a copy of the vehicle software file ..., is disclosed by Ahrens as: " ... method for providing updated geographical data sets for in-vehicle navigation systems may be used by operators of fleets of vehicles that have in-

vehicle navigation systems ... " [see Paragraph 0074], and that: " ... the local repository program for a fleet would automatically update the geographical data set file on a storage device upon insertion, provided the storage device was registered to a fleet vehicle ... " [Paragraph 0075, lines 7 - 10]. Ahrens further discloses that: " ... an encryption scheme may be used to hide the identification data [110] on the PCMCIA storage device [76]. ... " [Paragraph 0039, lines 9 - 11], and further that: " ... may include security features, such as password access, locks on the case, and file encryption, so that unauthorized persons cannot access the software ... " [Paragraph 0045, lines 6 - 9]. Ahrens further discloses that: " ... the local repository can check the customer subscription records before updating the vehicle owner's storage device to make sure that the vehicle owner is entitled to obtain updated software ... " [Paragraph 0070, lines 1 - 4].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Ahrens to distribute upgraded vehicle software files to a plurality of vehicles using general purpose computers, and encrypting the vehicle software files with a unique identification number to load and function in certain vehicles.

8.12. ***In regard to Claims 26 and 27.*** Further to the reasoning as set forth in the rejection of Claim 25 above, the claimed plurality of loading options made available to each recipient (in Claim 26), and receiving a plurality of recipient profiles, where the recipient profiles specify the frequency of permitted vehicle software file transmissions (in Claim 27), is disclosed by Ahrens as: " ... subscriptions could be available on a yearly basis that would entitle the vehicle owner to all the updates for one or more of the geographical

areas and/or enhanced data sets that become available during the year. Subscriptions for other periods of time may also be available, or alternatively, subscriptions for a certain number of updates may be available ... " [see Paragraph 0057]. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Ahrens to make a plurality of loading options available to each recipient, and receive a plurality of recipient profiles that specify the frequency of permitted vehicle software file updates.

8.13. ***In regard to Claim 28.*** The claimed vehicle software file relating to an upgrade for a navigation application being paid for by a recipient on a subscription basis, is disclosed by Ahrens as: " ... a vehicle owner would have been given an opportunity to sign up for a subscription for geographical data set updates when the in-vehicle navigation system was initially obtained. ... " [see Paragraph 0057]. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Ahrens to upgrade the vehicle software files relating to a navigation application paid for on a subscription basis.

8.14. ***In regard to Claim 29.*** The claimed receiving device associated with a recipient initiating a link with the vehicle hard drive, is disclosed by Ahrens as: " ... updates of the geographical data set files and applications may be loaded onto each local repository by linking the local repository with cabling to a portable computer ... " [see Paragraph 0054]. It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the disclosure of Ahrens to initiate a link between a recipient device or a computer with the vehicle hard drive.

8.15. ***In regard to Claim 30.*** Further to the reasoning as set forth in the rejection of Claim 25 above, the claimed vehicle hard drive information being accessible to a plurality of embedded computer devices within the vehicle, is not specifically disclosed by Ahrens, but Baird teaches this as: " ... data input controller [200] is capable of accessing multiple networked controllers that, like controller [220], are each addressable and utilize the HTTP protocol. Each different network controller is capable of providing functionality for a different item of automotive service equipment ... " [Column 9, lines 21 - 25]. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosure of Ahrens with the teachings of Baird to make the hard drive information accessible to multiple computer devices within the vehicle.

8.16. ***In regard to Claim 31.*** Further to the reasoning as set forth in the rejection of Claim 25 above, the claimed recipient device receiving the vehicle software files and loading the files through a separate load device, is disclosed by Ahrens as: " ... when the vehicle owner wishes to obtain an update of his geographical data set or navigation application program ... to enable the geographical data set [70] and navigation application program [66] on the storage device [76] to be updated, if necessary. The detailed steps carried out by the main program [100] to update the data on the storage device [76] are included in the flow charts of FIGS. 8A-8G ... ", [see Paragraphs 0058 and 0059, and Figures 8A-8G]. It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the disclosure of Ahrens to have a recipient device receive the vehicle software files and load the files through a separate load device.

9. Claims 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahrens in view of Baird as applied to Claim 1 above, and further in view of Kottapurath et al. (US Pat. No. 6,553,490; hereinafter Kottapurath).

9.1. ***In regard to Claims 15 and 22.*** The applicant's basic inventive concept is disclosed by Ahrens in combination with Baird as set forth in the reasoning for the rejection of Claims 1 and 17 above. However, Ahrens or Baird do not teach the claimed loading of vehicle software files in less time than it would take to load the files from a CD-ROM, i.e. 75% (in Claim 15) and 60% (in Claim 22), but in an analogous art, Kottapurath discloses this inventive concept as: " ... The invention also minimizes the time required for distribution of a new software version to a plurality of users, and further eliminates the need for any physical media such as CD ROMs, floppy disks, to distribute a software update for ... " [Column 1, lines 45 - 49]. The actual numerical percentage of the reduced loading time is not mentioned as it will depend on the hardware used i.e. speed of the processor, drive access speed etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosures of Ahrens and Baird as applied to the rejection of Claims 1 and 17 above, with the teachings of Kottapurath to obtain increased loading speeds as compared to the use of the CD-ROM drive for loading the vehicle software files.

10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ahrens in view of Baird as applied to Claim 17 above, and further in view of Laguer-Diaz et al. (US Pat. No. 6,580,983; hereinafter Laguer-Diaz).

10.1. ***In regard to Claim 21.*** The applicant's basic inventive concept is disclosed by Ahrens in combination with Baird as set forth in the reasoning for the rejection of Claim 17 above. However, Ahrens or Baird do not teach the claimed vehicle software files relating to an identical component type are generated and transmitted in a substantially simultaneous manner, but in an analogous art, Laguer-Diaz teaches that: " ... To reduce the latency and delay times with transmitting the high priority files, those files are merged and transmitted before the transmission of relatively lower priority data files ... " [see Abstract], and further that: " ... to reduce network latency, especially the network latency that arises between each file, by merging similar files ... to reduce network latency to its lowest possible value, all files can be combined into one super file ... " [Column 4, lines 7 - 13]. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosures of Ahrens and Baird as applied to the rejection of Claim 17 above, with the teachings of Laguer-Diaz to simultaneously generate and transmit vehicle software files relating to an identical component type.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, as follows:

- Smith et al. (US Pat. No. 5,806,018), discloses a method for communicating and updating information including navigation information in a motor vehicle.
- Larson et al. (US Pat. No. 6,556,904), discloses a method for updating automotive vehicle specifications and information from a remote system to an automotive service device.
- De Villeroche (US Pat. No. 4,951,211), discloses an inboard apparatus in a vehicle that receives memory media and general information from an information storage system.

The references of Ahrens et al., Baird et al., Kottapurath et al. and Laguer-Diaz et al. are cited for illustrating various systems for transmitting and loading software files that have features and inventive concepts similar to the applicant's "System or method for loading software onto a vehicle".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Santanu Chatterjee, whose telephone no. is 571-272-5890. The examiner can normally be reached on Mon. - Fri., 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The FAX phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3600

Examiner's Initials: SC

AU: 3661